

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
(Big Stone Gap Division)**

MELINDA SCOTT,

Plaintiff,

v.

WISE COUNTY DEPARTMENT OF  
SOCIAL SERVICES, *et al.*,

Defendants.

**Case No. 2:20-cv-00014-JPJ-PMS**

**COMBINED REPLY  
IN FURTHER SUPPORT OF  
MOTION TO SUPPLEMENT THE RECORD  
AND MOTION TO TAKE JUDICIAL NOTICE**

NOW COMES Defendant Joshua Moon, by counsel, and submits this Reply in Further Support of his Motion to Supplement the Record (ECF No. 73) and Motion to Take Judicial Notice (ECF No. 74). In support of these motions, Defendant Moon states as follows:

- 1) Plaintiff appears not to oppose the Motion to Supplement the Record or Motion to Take Judicial Notice. Her response, filed at ECF No. 75, appears to contain only her assertions and arguments that she did nothing wrong by emailing the magistrate judge.<sup>1</sup>
- 2) Although Defendant Moon in no way concedes Plaintiff's claims that her behavior was justified or proper, neither his Motion to Supplement the Record or his Motion to Take Judicial Notice sought to penalize Plaintiff for her behavior. Instead, Mr. Moon sought only to ensure that the record in this case was complete, and that all of Ms. Scott's

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<sup>1</sup> Ms. Scott also continues her unfortunate pattern and practice of accusing undersigned counsel of malfeasance. While such accusations may form the basis of a future motion in this case, they were not the basis for the Motion to Supplement the Record or Motion to Take Judicial Notice.

emailed communications to the Magistrate Judge were on file in the ECF system and available for this Court and any reviewing Court. Mr. Moon further provided to the Court a complete and correct copy of a case that the Plaintiff herself brought to the attention of the Magistrate Judge in an email accusing undersigned counsel of misdeeds.

- 3) Because the Plaintiff appears not to oppose the pertinent motions, and because arguments made to the Court and considered by the Court ought to be made a part of and found in the official record of the case, Defendant Moon's Motion to Supplement the Record and Motion to Take Judicial Notice ought to be granted.

WHEREFORE Defendant Moon reiterates that the correspondence from the Plaintiff to the Magistrate Judge ought to be filed in the ECF system and made available on appeal.

Defendant Moon further reiterates that this Court should consider the Fourth Circuit's opinion docketed at ECF No. 74-1 when considering the veracity of the Plaintiff's claims at ECF No. 74-2.

Respectfully submitted this the 22<sup>nd</sup> day of September, 2021,

JOSHUA MOON

**By Counsel:**

/s/Matthew D. Hardin

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**Certificate of Service**

I hereby certify that I will file a true and correct copy of the foregoing document with the Court's CM/ECF system, which will electronically serve counsel of record. I will also deposit a true and correct copy of the foregoing document into the U.S. Mail, with First Class postage prepaid, directed to:

Melinda Scott  
2014PMB87  
Post Office Box 1133  
Richmond, VA 23218

Dated: September 22, 2021

/s/Matthew D. Hardin  
Matthew D. Hardin  
*Counsel for Joshua Moon*